

APPLICATION FOR REZONING PETITION CITY OF TERRE HAUTE

SPECIAL ORDINANCE NO. 15, 2016

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Common Address of lots to be rezoned: **5055 E. Hulman Drive, Terre Haute, Indiana**

Rezone From: **R-1 Planned Development**

Rezone To: **R-1 Planned Development**

Proposed Use: **Garage**

Name of Owner: **David Goss**

Address of Owner: **4750 Woodshire Drive, Terre Haute, IN 47803**

Phone Number of Owner: **c/o (812) 232-6003 Louis F. Britton**

Attorney Representing Owner: **Louis F. Britton**

Address of Attorney: **Cox, Zwerner, Gambill & Sullivan, LLP, 511 Wabash Avenue, Terre Haute, Indiana 47807**

Phone Number of Attorney: **(812) 232-6003**

for Information Contact: ☐ Owner ☒ Attorney

Council Sponsor: _____

FILED

MAY 02 2016

CITY CLERK

SPECIAL ORDINANCE NO. 15, 2016

An Ordinance amending Chapter 10, Article 2 of the Municipal Code designated as "Comprehensive Zoning Ordinance for Terre Haute, Indiana."

SECTION 1. BE IT ORDAINED BY THE COMMON COUNCIL of the City of Terre Haute, Vigo County, State of Indiana, that Chapter 10, Article 2 of the City Code of Terre Haute, designated as the "Comprehensive Zoning Ordinance for Terre Haute" and Division 4, Section 10.121 thereof, District Maps, be, and the same is hereby amended to include as follows:

That the following described real estate situated in the City of Terre Haute, County of Vigo, State of Indiana, to-wit:

LEGAL DESCRIPTION ATTACHED HERETO AS EXHIBIT A

Commonly known as 5055 E. Hulman Drive, Terre Haute, Indiana, be and the same is hereby established as a Planned Development as designated in Division III Section 10-110 et seq. of said Comprehensive Zoning Ordinance for Terre Haute and the same is hereby declared to be an R-1 Planned Development District authorizing the use of said real estate for use for a one-family residence, one garage not exceeding 48x82 feet and one garage not exceeding 45x36 feet for storage and the storage and repair/maintenance of motor vehicles owned by the property owner, together with all rights, privileges, and provisions that may inure to said real

estate and the owners thereof by virtue of the law in such cases provided, subject to all limitations and restrictions imposed thereon by deed or otherwise.

The Common Council further finds and determines that:

No variances from the development standards are required.

Petitioner has provided substantial evidence that the Planned Development will not adversely affect surrounding property values, public health and safety or the general public welfare and that a hardship exists justifying classification of the property as a Planned Development.

Approval of the designation of the property as a Planned Development does not nullify the purpose of the zoning regulations.

SECTION 2. WHEREAS, an emergency exists for the immediate taking effect of this Ordinance, the same shall be in full force and effect from and after its passage by the Common Council of Terre Haute, and approval by the Mayor and publication as required by law.

PRESENTED BY COUNCILPERSON _____
O. Earl Elliott

Passed in open Council this _____ day of _____, 2016.

Todd Nation, President

ATTEST: _____, City Clerk
Charles Hanley

Presented by me to the Mayor this _____ day of _____, 2016.

Charles Hanley, City Clerk

Approved by me, the Mayor, this _____ day of _____, 2016.

Duke Bennett, Mayor
City of Terre Haute

ATTEST: _____
Charles Hanley, City Clerk

I prepared the foregoing instrument and I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law.

Louis F. Britton
COX, ZWERNER, GAMBILL & SULLIVAN, LLP
511 Wabash Avenue, Terre Haute, IN 47807
Phone: (812) 232-6003

EXHIBIT A

A part of 24 acres off of the West end of 65 acres off of the North side of the Northeast quarter of Section 31, Township 12 North, Range 8 West, more particularly described as follows:

Seven and one half (7 ½) acres off of the East end of 24 acres off of the West end of 65 acres off of the North side of said Northeast quarter being a strip 293 feet more or less wide off of the East end of said 24 acres.

SUBJECT to pipe line easement granted Universal Gas Company by instrument dated September 28, 1929 and recorded October 6, 1931 in Miscellaneous Record 62 page 351.

EXCEPT that part conveyed to City of Terre Haute for the use of the Sanitary District of the City of Terre Haute, Indiana, for right of way as shown by instrument recorded July 17, 1975 in Miscellaneous Record 176 page 495-1. All records of the Recorder's Office, Vigo County, Indiana.

PETITION FOR REZONING OF REAL ESTATE

TO THE PRESIDENT AND MEMBERS
OF THE COMMON COUNCIL OF
THE CITY OF TERRE HAUTE,
VIGO COUNTY, INDIANA

Gentlemen:

David Goss, petitioner, is the owner of the following described real estate located in Vigo County, Indiana, to-wit:

LEGAL DESCRIPTION ATTACHED HERETO AND MARKED EXHIBIT A,

which real estate is commonly known as 5055 E. Hulman Drive, Terre Haute, Indiana.

The owner proposes to use the property for two garages, one not exceeding 48x82 feet and one not exceeding 45x36 feet for storage and the storage and minor maintenance/repair of motor vehicles owned by the owner of the real estate. Site plans are attached.

Petitioner is informed and believes that according to Chapter 10, Article 2, Division IV, Zoned Districts, Section 10.121 of the District Maps, "Comprehensive Zoning Ordinance for Terre Haute," and amendments thereto, the above described real estate is zoned R-1 Planned Development. Petitioner is further informed and believes that petitioner's proposed use would require said real estate to be rezoned to the classification as R-1, Planned Development District, under Section 10-110 et seq. of the Comprehensive Zoning Ordinance for Terre Haute.

Petitioner submits that this petition for a rezoning should be granted for the following reasons:

- A. That the proposed uses would be beneficial to the local community and would generate employment for the community;
- B. That said real estate is located near an area which is zoned for commerce and for similar planned development uses.
- C. That said real estate is located on Hulman Street which provides adequate access;
- D. That the use of said real estate as proposed will not significantly increase traffic or parking in the area, said real estate lends itself well to the proposed use; the proposed use does not alter the essential character of the locality and is not detrimental to public welfare or injurious to the property or improvements in the neighborhood;
- E. Said rezoning will not increase the danger of fire or endanger the public safety or substantially diminish or impair property values within the general area.
- F. That hardships exist in that the property is zoned residential and the proposed use is permitted as an accessory to such use, but Petitioner has no current plans to construct a dwelling on the property. The property is not well suited to residential development.

WHEREFORE, petitioner respectfully requests the Area Plan Commission and the Common Council to favorably consider the passage of a Special Ordinance amending the Comprehensive Zoning Ordinance for Terre Haute, and declare the above-described real estate to be zoned R-1 – Planned Development – to permit use for a single family residence and two garages, one not exceeding 48x82 feet and one not exceeding 45x36 feet for storage and the storage and minor maintenance/repair of motor vehicles owned by the owner of the real estate,

being entitled to the rights and benefits that may inure to said real estate and the owners thereof by virtue of said description and the laws in such cases provided, subject to all limitations imposed by deed or otherwise.

IN WITNESS WHEREOF, the petitioner, David Goss, has duly executed this instrument this 29 day of April, 2016.



David Goss

This instrument prepared by Louis F. Britton, COX, ZWERNER, GAMBILL & SULLIVAN, LLP, 511 Wabash Avenue, Terre Haute, IN 47807; (812) 232-6003.

EXHIBIT A

A part of 24 acres off of the West end of 65 acres off of the North side of the Northeast quarter of Section 31, Township 12 North, Range 8 West, more particularly described as follows:

Seven and one half (7 ½) acres off of the East end of 24 acres off of the West end of 65 acres off of the North side of said Northeast quarter being a strip 293 feet more or less wide off of the East end of said 24 acres.

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PROPOSED
LOCATION OF
NEW STRUCTURE

55'

80'

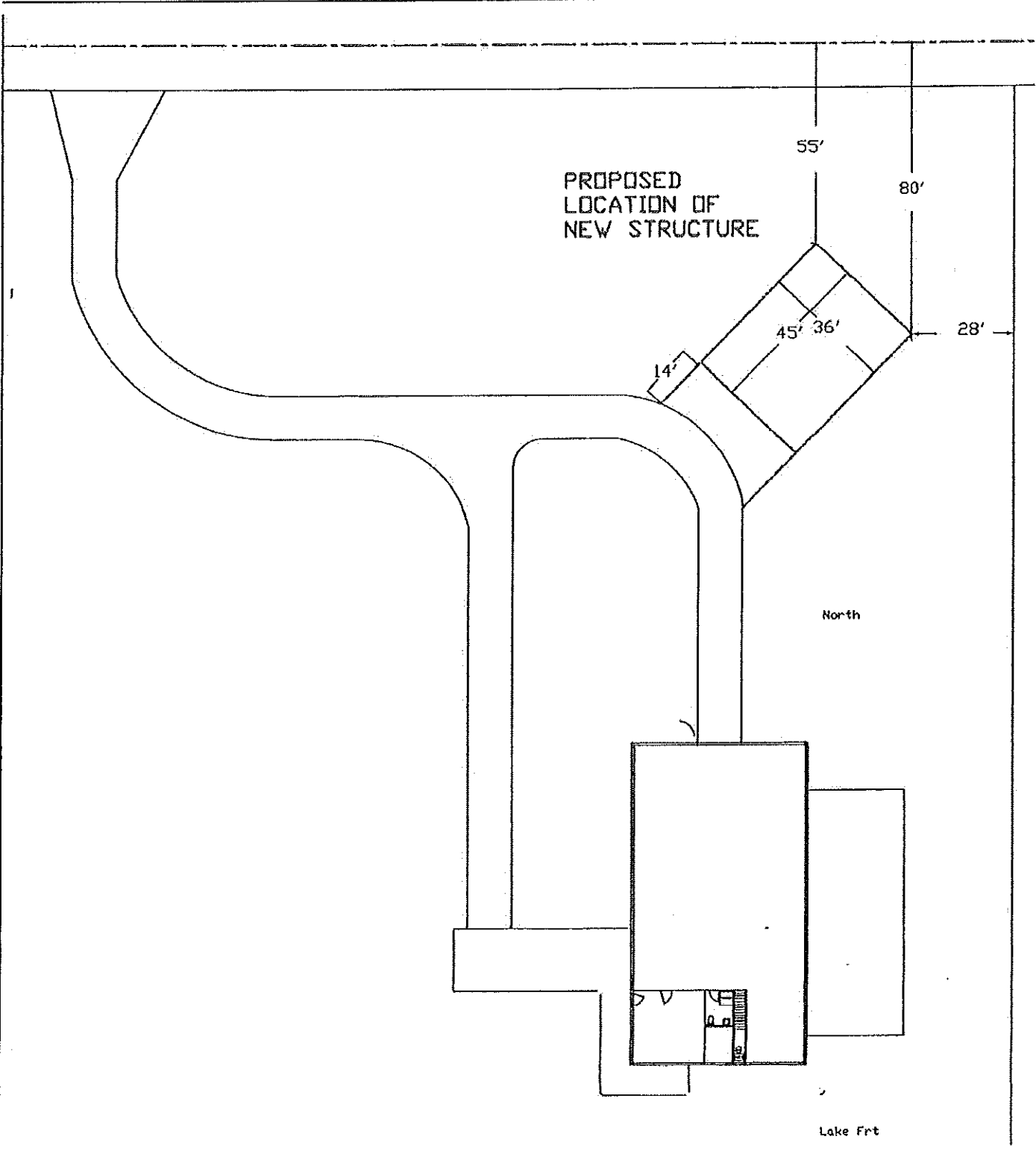
28'

45' 36'

14'

North


Lake Frt



AFFIDAVIT

COMES NOW affiant, David Goss, and affirms under penalty of law that he is the owner of record of the property located at 5055 E. Hulman Drive, Terre Haute, Indiana, for which a rezoning is requested and attached hereto a deed evidencing such ownership.

I affirm, under penalties for perjury, that the foregoing representations are true.

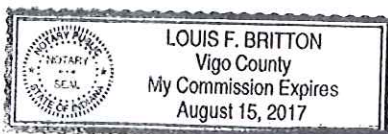


David Goss

STATE OF INDIANA)
) SS:
COUNTY OF VIGO)

Personally appeared before me, a Notary Public in and for said County and State, David Goss, who acknowledges the execution of the above and foregoing Affidavit, after being duly sworn upon his oath and after having read this Affidavit.

WITNESS my hand and Notarial Seal, this 29th day of April, 2016.





Notary Public

(Printed Name)

My Commission Expires:

My County of Residence:

This instrument prepared by Louis F. Britton, COX, ZWERNER, GAMBILL & SULLIVAN, LLP, 511 Wabash Avenue, Terre Haute, IN 47807; (812) 232-6003.

s:\users\clients\goss\dave goss rezoning 2016\rezoning documents\affidavit of owner of real estate.doc
4/29/2016

WARRANTY DEED

RAYMOND MATTS
VIGO County Recorder IN
IN 2005002235 WD
02/17/2005 11:47:31 1 PGS
Filing Fee: \$14.00

THIS INDENTURE WITNESSETH, THAT Noaman Botros and Carol Botros, Husband and Wife, of Vigo County, State of Indiana, for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Convey and Warrant unto David A. Goss, of Vigo County, State of Indiana, the following described real estate located in the County of Vigo, State of Indiana, to-wit:

A part of 24 acres off of the West end of 65 acres off of the North side of the Northeast quarter of Section 31, Township 12 North, Range 8 West, more particularly described as follows:

Seven and one half (7 1/2) acres off of the East end of 24 acres off of the West end of 65 acres off of the North side of said Northeast quarter being a strip 293 feet more or less wide off of the East end of said 24 acres.

SUBJECT to pipe line easement granted Universal Gas Company by instrument dated September 28, 1929 and recorded October 6, 1931 in Miscellaneous Record 62 page 351.

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Subject to easements, covenants, restrictions, leases and other matters of record affecting title to the subject real estate.

Subject to taxes prorated to the date hereof.

IN WITNESS WHEREOF the above referred to Noaman Botros and Carol Botros have hereunto set their hand and seal, this 15th day of February, 2005.

Noaman Botros (SEAL) Carol Botros (SEAL)
Noaman Botros Carol Botros
STATE OF Indiana, Vigo COUNTY, SS:

Before me, the undersigned, a Notary Public in and for said county and state, this 15th day of February, 2005, personally appeared Noaman Botros and Carol Botros and acknowledged the execution of the annexed Deed to be their voluntary act and deed.

WITNESS my hand and Notarial Seal.

My Commission Expires: April 19, 2008
My County of residence is: Vigo

Marie Shanks
Notary Public
MARIE SHANKS
Typewritten or printed name of notary

THIS INSTRUMENT WAS PREPARED BY: Ronald E. Jumps, Ronald E. Jumps, Attorney, Cox, Zwerner, Gambill & Sullivan, LLP, 511 Wabash Avenue, Terre Haute, IN 47807. Note: In preparing this instrument, preparer makes no warranties, expressed or implied, regarding the title conveyed by it.

MAIL TAX STATEMENTS TO: VIGO Executive Drive, Terre Haute, IN 47803

\\Lawfirm\user\Walters\SHELLE\Real Estate\Vigo Wade\Chicago Title\Goss, David
2/4/2005
smw

DULY ENTERED FOR TAXATION
Subject to final acceptance for transfer

FEB 17 2005

Don W. Howell
VIGO COUNTY AUDITOR



Receipt

The following was paid to the City of Terre Haute, Controller's Office.

Date: 05/02/2016

Name: Law Offices of Cox, Twener, Gambile and Sullivan

Reason: Filing Fee for Rezoning
Re: David Goss

Cash: _____

Check: \$45.00 #96173

Credit: _____

Total: \$45.00

CHECK ☐

CASH ☐

PAID

MAY 02 2016

TERRE HAUTE CITY CONTROLLER

Received By: 